HONOURABLE MRS JUSTICE T.MEENA KUMARI
&
HONOURABLE MS JUSTICE G. ROHINI

WRIT APPEAL No:1027 OF 2007

Dated: 28.12.2007

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Between:

The General Manager (Personnel)
The Singareni Collieries Company Limited,
PO: Kothagudem, Bhadrachalam Road
Station (SC Rly), Khammam District.

..**Appellant**

And

1. The Presiding Officer,
   Industrial Tribunal-I,
   Chandra Vihar, M.J. Road,
   Hyderabad and another.

..**Respondents**

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HONOURABLE MRS JUSTICE T.MEENA KUMARI
&
HONOURABLE MS JUSTICE G. ROHINI

WRIT APPEAL No:1027 OF 2007

JUDGMENT: (per Hon'ble Smt. Justice T. Meena Kumari)

The present writ appeal is preferred by the appellant aggrieved by an order, dated 14.11.2006 passed by the learned Single Judge in WPMP No.7476 of 2004 & WPMP (SR) No.30213 of 2004 in W.P.No.1776 of 1996.

The appellant herein is petitioner in the writ petition. He filed the writ petition challenging the award dated 19.8.1995 in I.D.No.23 of 1993 passed by the Industrial Tribunal-I, at Hyderabad declaring the lockout declared by the petitioner-Management from second shift of 24.10.1991 to third shift of 26.10.1991 as a sequel to mass casual leave by the executives as justified and further declaring that the affected workmen on such lock out are entitled for their wages for the said lock out period, as illegal and arbitrary.

On 23.3.2000, the writ petition was dismissed for default. Then, the petitioner filed the above WPMP No.7476 of 2004 seeking to condone the delay of 1332 days in filing the petition to set aside the default order dated 23.3.2000 on the ground that the clerk associated with the office of the petitioner's standing counsel quit the office and the bundle was mixed up with other files. The learned Single Judge having observed that the reasons furnished for delay in filing the petition, are not satisfactory, dismissed the petitions. Having aggrieved by the same, the present appeal has been preferred.

Heard and perused the entire material available on record.

As can be seen from the material on record, it is apparent that the main writ petition is filed challenging the award in I.D. and the same was dismissed for default on the ground of failure to pay batta. Since the main writ petition is dismissed for default for failure to pay the batta and the issue involved in the main writ petition has to be adjudicated on its own merits, it is just and proper to dispose of the

writ petition after affording an opportunity to both the parties. In this view of the matter and in view of the reasons assigned in support of the petition for condonation of delay, We feel it a fit case wherein the writ petition can be restored to file by condoning the delay in filing the petition to restore the writ petition.

Accordingly, the order impugned is set aside on condition of payment of batta. Consequently, the WPMP No.7476 of 2004 and WPMP (SR) No.30213 of 2004 are allowed and the W.P. is restored to file. Post the W.P. in regular Course.

Subject to the above direction, the writ appeal is disposed of. No order as to costs.

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Justice T. Meena Kumari

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Justice G. Rohini

Date: 28th December, 2007
Nn/Gurc.

HONOURABLE MRS JUSTICE T.MEENA KUMARI
&
HONOURABLE MS JUSTICE G. ROHINI

WRIT PETITION No:27070 OF 2007

(Order delivered by the Hon’ble Smt. Justice T. Meena Kumari)

18.12.2007

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